

## Adverse Weather

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### Policy

The State of North Carolina must ensure the delivery of services to citizens and businesses even during times of adverse weather conditions. Considering the varied geographic locations and diversity of State operations, it is the intent of this policy to establish a uniform statewide policy regarding how operations will be affected during times of adverse weather conditions and to establish guidelines for accounting for time and for releasing non-mandatory employees from work when:

- adverse weather conditions prohibit or adversely impact the ability of non-mandatory employees to report to work or to remain at work, or
- adverse weather conditions necessitate the suspension of non-mandatory operations.

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### Employees Covered

This policy applies to all employees subject to the State Human Resources Act.

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### Definitions

**Adverse Weather Conditions:** When the National Weather Service issues severe weather warnings for weather conditions that may adversely impact an employee's

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commute to and from work or may adversely impact the State's ability to continue to provide non-mandatory operations to clients, customers, patients, students or the general public.

**Mandatory Employees:** Employees who are required to work during adverse weather conditions because their positions have been designated by their agency head or designee as essential to agency operations.

**Mandatory Operations:** Services that have been determined essential by the agency head and therefore, shall be continued during adverse weather conditions. These services typically fall into the areas of law enforcement/public safety, direct patient/student care, facility maintenance, food service, but could also include support and administrative operations and other jobs/services that are considered essential.

**Non-Mandatory Employees:** Employees who may be approved for a leave of absence during adverse weather conditions because their positions have been designated as non-essential to agency operations.

**Non-Mandatory Operations:** Services that have been determined non-essential by the agency head and therefore may be suspended during adverse weather conditions.

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### Designation of Mandatory and Non-Mandatory Operations

Agency heads shall predetermine which operations will be designated as mandatory and remain open during adverse weather conditions. The mandatory designation shall be communicated to employees in writing along with the expectation for reporting to work during adverse weather conditions as well as the consequences for not meeting that expectation.

Employees in non-mandatory operations shall also be notified of their designation as well as their options for reporting to work and accounting for lost time from work during adverse weather conditions. Non-mandatory employees are expected to make a good

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faith effort to report to work or remain at work during adverse weather conditions. Non-mandatory employees should use their best judgment to remain as safe as possible considering the severe weather warnings issued at their worksite and the geographic areas within their commute to and from their worksite. Non-mandatory employees who anticipate problems in their commute to and from work should be permitted to avail themselves of the adverse weather leave options.

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### Who Determines When Non-Mandatory Operations will be Suspended Due to Adverse Weather Conditions?

Generally, State government offices/universities and facilities are OPEN, unless a specific decision has been made by the appropriate official, as outlined below, to suspend non-mandatory operations because of adverse weather conditions. The decision to suspend non-mandatory operations is based on consideration of adverse weather warnings, and safety and health of the public/clients served. The decision to suspend non-mandatory operations may also take into consideration staffing issues that might arise when a significant number of non-mandatory staff is unavailable for work due to adverse weather conditions. As a result, the decision to suspend non-mandatory operations should only apply to operations in the geographic area directly impacted by the adverse weather conditions.

**Landlords do not make the decision to suspend operations.** Agencies that rent office space from non-State entities should communicate to employees that the agency, and not the landlord, will make the decision whether non-mandatory or mandatory operations are suspended. Agencies that rent office space from non-State entities should have leases reviewed by agency legal counsel to ensure that the lease (or other legally binding documents) makes it clear that a landlord cannot “close” a leased facility due to adverse weather, if the agency has not made the decision to suspend operations due to adverse weather.

**Administrative agencies within Wake County:** The Governor or his/her designee shall make decisions about the suspension of operations during regular workday hours of

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administrative agencies when weather conditions affect more than one administrative office. The Governor's Office will announce the suspension decisions related to non-mandatory administrative operations.

**Agencies with Non-Administrative Operations within Wake County and Staff Outside the Wake County Area Including 24-hour operations:** Individual agency heads or their designees shall make decisions concerning the suspension of non-mandatory services for those agencies or operations as deemed appropriate.

**The University of North Carolina System:** The UNC System Office of the President shall make decisions concerning the suspension of non-mandatory operations as deemed appropriate. In addition, the Office of the President may delegate such authority to the chancellors of constituent institutions and the heads of university affiliated entities.

**Declaration of a State of Emergency:** Under certain adverse weather conditions, the Governor may issue a declaration of a "State of Emergency." The declaration of a "State of Emergency" by the Governor does not impact an agency head or designee's authority and responsibility for making decisions related to agency operations during adverse weather conditions. During a "State of Emergency," non-mandatory employees are strongly encouraged to stay off the road unless it is an emergency travel situation and will be expected to follow the provisions of the adverse weather policy for accounting for lost time from work. With the approval of the supervisor, non-mandatory employees may be allowed to work from home or from an alternate work site if their job duties can be accommodated by a temporary reassignment of duty station.

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### Communicating Adverse Weather Conditions and the Suspension of Non-Mandatory Operations

Agency heads or their designees shall be responsible for developing and maintaining procedures for notifying employees when adverse weather conditions are in effect and expectations for remaining at work, reporting to work or accounting for lost time from work shall be clearly communicated. There shall also be a communication plan for how

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the public and employees are notified of adverse weather suspension of non-mandatory operations decisions.

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### Failure of Mandatory Employees to Report

A mandatory employee's failure to report to work or remain at work may result in disciplinary action and/or requiring the hours missed to be charged to leave with or without pay, as appropriate, as determined by management.

During adverse weather conditions, the Governor or the State Highway Patrol may ask motorists to stay off the road unless it is absolutely necessary to travel. When this travel notice is issued, a mandatory employee is still expected to report to work.

Exception: When weather conditions cause a mandatory employee to arrive late, the agency head or designee may determine that the conditions justified the late arrival. A mandatory employee is expected to notify his/her supervisor or designee of his/her inability to report to work at the designated time due to weather conditions so essential work operations are covered in his/her absence. In such cases, the lost time may be made up in lieu of using paid leave or leave without pay and no disciplinary action will be taken.

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### Accounting for Time

When a non-mandatory employee does not to report to work, reports to work late, or leaves work early during adverse weather conditions, or when it has been determined that non-mandatory operations will be suspended due to adverse weather conditions, time lost from work shall be charged to accrued compensatory time (i.e., holiday, overtime, gap hours, callback, on-call, travel, or emergency closing comp time). If the employee does not have accrued compensatory time or have sufficient compensatory

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time to cover the entire period of absence, then the employee has the following options to account for time lost from work:

- use vacation leave,
- use bonus leave, or
- request approval to take leave without pay (LWOP).

Where operational needs allow, and a supervisor approves, an employee may be allowed to make up the time lost to adverse weather in accordance with the provisions outlined below. Make-up time is not an employee entitlement. In all cases, make-up time must be supported by an operational need, and not the individual employee's desire to make up time lost due to adverse weather rather than taking vacation or bonus leave or leave without pay.

Make-up time shall only be approved by the supervisor in lieu of vacation leave, bonus leave or LWOP. Employees with sufficient accrued compensatory time to cover the adverse weather absence shall not be eligible to make up the adverse weather time.

Employees who are on prearranged vacation leave or sick leave will charge leave to the appropriate account with no provision for make-up time.

Adverse weather options only apply during the period of time designated by the National Weather Service as adverse weather conditions as defined by this policy. The adverse weather policy does not cover child or elder care issues resulting from school/day care center closing decisions that may occur in advance or after adverse weather warnings are issued and expire. For such situations, vacation leave is the appropriate category to account for such absences, or an employee with insufficient leave balance may request permission to take leave without pay.

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### Make-Up Provisions

If management approves adverse weather make-up time, the supervisor shall be responsible for scheduling make-up time within the same pay period as the adverse

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weather event, if possible. If make-up time cannot be scheduled within the same pay period, management shall schedule the make-up time within 90 days of the adverse weather absence. Management may schedule make-up time in a workweek which results in overtime, if there is a bona-fide operational need to schedule overtime work. The supervisor shall notify the employee when make-up time is approved and scheduled. Upon notice of approval, the employee is expected to report to work and perform the make-up work as scheduled. Management and employees shall cooperate in making reasonable efforts to arrange schedules and identify operational needs for overtime work in order to enable an employee to be given the opportunity to make-up time not worked, rather than charging it to leave.

Employees who volunteer to make up time on a holiday will **not** receive Holiday Premium Pay or equal time off with pay. Supervisors must approve working on a holiday to make up adverse weather time.

Time lost to adverse weather must be made up within 90 days from the occurrence of the absence. If it is not made up within 90 days, vacation or bonus leave shall be charged. If there is not sufficient vacation or bonus leave to cover the absence, payment for the time originally paid as adverse weather leave shall be deducted from the employee's next paycheck.

If an employee has an outstanding adverse weather leave liability (balance of leave approved for make-up), all additional time worked after the adverse weather absence shall be credited toward resolving the adverse weather liability. This includes compensatory time earned for holidays, overtime, gap hours, callback, on-call, travel or emergency closings.

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### Extended Leave of Absence

If an employee requests an extended leave of absence with or without pay (including absences due to Family Medical Leave, Short-Term Disability and Worker's Compensation), the liability owed for time not worked during an adverse weather event

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shall be resolved through use of vacation or bonus leave. If there is not sufficient vacation or bonus leave to cover the adverse weather liability, the amount paid for adverse weather leave shall be deducted from the employee's paycheck prior to the start of the extended leave of absence. An "extended leave of absence" is an absence in excess of one half of the regularly scheduled workdays and holidays in the month or in the pay period, whichever is applicable.

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### Transfer to Another State Agency

If the employee transfers to another State agency before the time is made up, the time allowed for adverse weather leave shall be charged to vacation or bonus leave. If there is not sufficient vacation or bonus leave to cover the adverse weather liability, the payment for time charged to adverse weather leave shall be deducted from the employee's paycheck by the releasing agency.

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### Separation

If an employee separates from State government before the time charged to adverse weather leave is made up, it must be charged to vacation or bonus leave or deducted from the final paycheck, if there is not sufficient leave to cover the adverse weather leave payment.